THE HON'BLE SRI JUSTICE B. PRAKASH RAO

AND

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.9173 of 2001

2nd JANUARY 2007

Between:

K.V.Unni Krishnan and another.

.. Petitioners

And

General Managr, South Central Railway,
Rail Nilayam, Secunderabad and 54 others.

.. Respondents.

ORDER: (Per Hon'ble Sri Justice Ramesh Ranganathan)

Aggrieved by the order of the Central Administrative Tribunal, Hyderabad Bench at Hyderabad (for brevity 'the Tribunal') in O.A.No.1445 of 1997, dated 29.09.1999, the present Writ Petition is filed.

The Tribunal, without going into the merits of the controversy, merely held that a firm decision in connection with the method of fixation of seniority of Apprentices Fireman 'A', who were appointed in the year 1986, should be taken by the Railway Board on the basis of the materials to be submitted by the Zonal Railways. Time for compliance was fixed as two months from the date of receipt of the copy of the order, as the counsel for the official respondents had submitted that the running category was a sensitive category and that a seniority list was a must. The Tribunal, while directing the respondents to finalize the seniority list within a period of two months, held that the service benefits, if any, obtained by any one during the interregnum was only *ad hoc* without any right to its continuance after the final seniority list was issued on the basis of the Railway Board's

order and that the respondents, who had received benefits during that period were not entitled for its continuance after the final seniority list was issued.

We are informed that pursuant to the directions given by the Tribunal, the General Manager Estt. (N), Railway Board had issued proceedings dated 26.04.2000 informing that the Board has decided that since the directly recruited Firemen 'A' were sent in batches for training, in the order of their merit position in the RRB panel, and no common examination for all the batches was held at the end of training, they may be assigned seniority batch-wise according to merit position secured by them in the test held at the end of the batch-wise training subject to the condition that, if a person failed in the first attempt, his seniority should be interpolated with the appropriate batch in which he passed the test in the subsequent attempt and, however, if seniors were deputed for training later than their juniors, as per merit order of the RRB for administrative reasons, their seniority will be fixed with the staff of the appropriate batch in which they would have been sent for training.

The order of the Tribunal does not suffer from any illegality necessitating interference under Article 226 of the Constitution of India. No prejudice can be said to have been caused to the petitioners

as a result of the order of the Tribunal. We see no reason, therefore, to interfere in the matter. Needless to state that this order does not preclude the petitioners herein from availing such other remedies as are available to them in law.

The Writ Petition is accordingly disposed of. No costs.

_____

B. PRAKASH RAO, J

_____

RAMESH RANGANATHAN, J

2nd January 2007.
Chvn.
-
-